

Remarks

Claim 1 has been amended to include the limitations of claim 5. Claim 5 has been cancelled accordingly.

Rejections under 35 U.S.C. 112

Claim 4 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the office action asserts;

In Claim 4 (page 4, 5th line from bottom), it is not clear as to what

“(O(CR_sY_{2-s}))_i” refers to.

In Claim 4 (page 5, lines 7-8), it is not clear as to what “one of the Y groups is replaced by the Z group **bonding the R⁴ group to** the cyclosiloxane of formula (II)” refers to. (Emphasis added) In other words, what is the relationship among Z, R⁴ and formula (II)?

Applicant respectfully traverses this rejection. Formula II in claim 4 describes possible options for divalent R⁴ group, which represent possible siloxane, hydrocarbon, or organic copolymer/terpolymer as the divalent substituent. The formula shows the chemical components for such substituents. The unit, (O(CR_sY_{2-s}))_i represents a polyether unit. Z is defined in claim 4 as follows; where each Z is independently selected from an oxygen and a divalent hydrocarbon group comprising 2 to 20 carbon atoms, each R⁴ group is independently selected from -BR_uY_{2-u}, -SiR_vY_{3-v}, or a group described by formula (III):.....

Rejections under 35 U.S.C. 102 or 103

In the office action dated 05/11/2009, claims 1, 3-4 and 8-10 were rejected as being unpatentable over Schmidt (US 5,366,809) in view of LeGrow (US 4,234,713).

The office action labeled the rejection as being under 35 USC 102. However, the rejection appears more specific to 35 USC 103.

The office action further identifies present claims 5-7 as containing allowable subject matter.

Applicant has amended claim 1 to include the subject matter of claim 5. Claim 5 has been canceled accordingly.

Applicant believes the rejection over Schmidt in view of LeGrow is now moot given the present amendment.

The present response is being submitted within the three-month shortened statutory period for response to the outstanding Office Action. Applicant authorizes the USPTO to charge deposit account 04-1520 for any fees that should be necessary to maintain the pendency of the application.

In view of the above, it is respectfully submitted that the claims are in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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